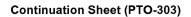
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/803,318	DAVIS ET AL.	
Examiner	Art Unit	
MARC A. PATTERSON	1794	

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress	
THE REPLY FILED <u>02 November 2009</u> FAILS TO PLACE THIS	APPLICATION IN CONDITION F	OR ALLOWANCE.		
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods:	replies: (1) an amendment, affidavi al (with appeal fee) in compliance	t, or other evidence, www. with 37 CFR 41.31; or	hich places the (3) a Request	
a) The period for reply expiresmonths from the mailing	date of the final rejection.			
b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (l	ter than SIX MONTHS from the mailing	date of the final rejection	n.	
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).).	FIRST REFLT WAS FI	LED WITHIN TWO	
Extensions of time may be obtained under 37 CFR 1.136(a). The date of have been filed is the date for purposes of determining the period of extruder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	on which the petition under 37 CFR 1.1 ension and the corresponding amount on the tened statutory period for reply origi	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as	
2. The Notice of Appeal was filed on A brief in compl	iance with 37 CFR 41.37 must be t	iled within two month	s of the date of	
filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the		
AMENDMENTS				
 The proposed amendment(s) filed after a final rejection, be (a) They raise new issues that would require further core (b) They raise the issue of new matter (see NOTE below 	sideration and/or search (see NO		cause	
(c) They are not deemed to place the application in bett appeal; and/or	•	lucing or simplifying t	ne issues for	
(d) ☐ They present additional claims without canceling a c	orresponding number of finally reje	cted claims.		
NOTE: (See 37 CFR 1.116 and 41.33(a)).				
4. The amendments are not in compliance with 37 CFR 1.12	1. See attached Notice of Non-Co	mpliant Amendment (PTOL-324).	
5. Applicant's reply has overcome the following rejection(s):	·			
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).		•	_	
7. For purposes of appeal, the proposed amendment(s): a) [how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>none</u> . Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>23,24 and 26-52</u> . Claim(s) withdrawn from consideration: <u>none</u> .		be entered and an e	xplanation of	
AFFIDAVIT OR OTHER EVIDENCE				
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 				
9. The affidavit or other evidence filed after the date of filing a entered because the affidavit or other evidence failed to or showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appea	l and/or appellant fail	s to provide a	
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after er	ntry is below or attach	ed.	
11. The request for reconsideration has been considered but	does NOT place the application in	condition for allowan	ce because:	
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. ☑ Other: <u>See attached</u> .				
	/Marc A Patterson/			
	Primary Examiner, Art U	nit 1794		



Application No.